

PTO/SB/21 (09-04)

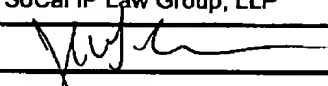
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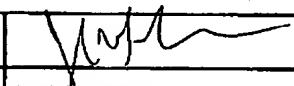
TRANSMITTAL FORM (to be used for all correspondence after initial filing)	Application Number	09/545,639	RECEIVED CENTRAL FAX CENTER FEB 27 2006
	Filing Date	04/07/2000	
	First Named Inventor	Cunningham	
	Art Unit	2143	
	Examiner Name	Vaughn	
Total Number of Pages in This Submission	4	Attorney Docket Number	U000-P02036US

ENCLOSURES (Check all that apply)		
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SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	SoCal IP Law Group, LLP		
Signature			
Printed name	Joel G. Landau		
Date	February 27, 2006	Reg. No.	54,732

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/545,639
Applicant : Cunningham
Filed : 04/07/2000
TC/A.U. : 2143
Examiner : Vaughn
Docket No. : U000-P02036US
Customer No. : 33356

Confirmation No. 9723

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Reply Brief Under 37 C.F.R. § 41.41

Dear Sir:

The following Reply Brief is submitted in response to the Examiner's Answer mailed February 14, 2006.

Claims 1-3, 33-35 and 47-49 are patentable over Guyot et al. (USP 6,119,098), in view of Hassett et al. (USP 6,807,558) and further in view of Landsman et al. (US Pat. Pub. 2003/0023488):

In addition to the Examiner's prior grounds for rejection, on page 13 of the Examiner's Answer, the Examiner asserted that the following claimed limitations of independent claim 1 are also taught at Landsman, page 12 paragraph [0110] and page 16 paragraph [0151]:

“detecting times when the user computer is not actively

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Response to Examiner's Answer action mailed 02/14/2006

sending or receiving data from the network" and

"downloading ad files from the network to the user computer during such times, such that the viewer program maintains a pool of ad files at the user computer for display and performs ad pool management tasks".

Landsman's paragraph [0110] describes a process where an applet monitors for a user request for a web page while advertisements are downloading. In response to the user request, the applet causes an interstitial advertisement, previously fully downloaded and cached, to be displayed while the web page requested by the user is being retrieved. Displaying an interstitial advertisement in response to a user requesting a web page is not analogous to the claimed limitations "detecting times when the user computer is not actively sending or receiving data from the network" and "downloading ad files from the network to the user computer during such times."

Landsman's paragraph [0151] describes a process where an applet monitors for a user request for a web page while advertisements are downloaded. In response to the user request, the applet causes the downloading of advertisements to stop in order for the requested web page to be retrieved. Causing downloading of ads to stop in response to a user requesting a web page is not analogous to the claimed limitations "detecting times when the user computer is not actively sending or receiving data from the network" and "downloading ad files from the network to the user computer during such times."

Because Landsman's paragraphs [0110] and [0151] do not teach or suggest the claimed limitations "detecting times when the user computer is not actively sending or receiving data from the network" and "downloading ad files from the network to the user computer during such times", the Practitioner maintains, as presented in the Appeal Brief filed November 8, 2005, that the Examiner has not established a *prima facie* case of obviousness with regard to claim 1. Since none of Guyot, Hassett or Landsman alone or in combination disclose, teach or suggest all the steps of

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claim 1, claim 1 is non-obvious in view of these references.

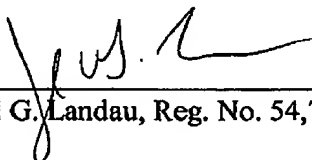
Therefore, it is respectfully requested that the obviousness rejection of claims 1-4, 10, 14, 21 and 23 be overturned.

CONCLUSION AND RELIEF

In view of the foregoing, it is believed that all claims patentably define the subject invention over the prior art of record and are in condition for allowance. The undersigned requests that the Board overturn the rejection of all claims and hold that all of the claims of the above referenced application are allowable.

Respectfully submitted,

Date: February 27, 2006


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